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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/988,240

11/19/2001

Takashi Shimojima

P21691

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01/19/2005

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EXAMINER

GODDARD, BRIAN D

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/988,240	SHIMOJIMA ET AL.	
	Examiner	Art Unit	
	Brian Goddard	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-26 and 30-41 is/are allowed.
- 6) ☒ Claim(s) 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/15/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the Amendment filed 11 August 2004.
2. Claims 20-41 are pending in this application. Claims 20, 24, 27, 30, 33, 36 and 39-41 are independent claims. In the Amendment filed 11 August 2004, claims 1-19 were cancelled and claims 20-41 were added. This action is made Final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,991,798 to Ozaki et al.

Referring to claim 27, Ozaki discloses a content recording apparatus for recording distributed content as claimed. See Figures 1-7 and the corresponding portions of Ozaki's specification for this disclosure. Ozaki teaches a content recording apparatus [See Figs. 2-3] for recording distributed content in packages of files [See

Figs. 1 & 5-7] on a recording medium [3 & 1b], said content recording apparatus comprising:

a package management information recorder [See Figs. 2-7]; and
a content file recorder [See 1a & 1b], as claimed.

The remaining claim elements are considered functional descriptive material that does not limit the claimed apparatus. See MPEP § 2114. Apparatus claims reciting structural elements that are "operable to" perform some function are limited only by the claimed structural elements and not their supposed function. Thus, Ozaki's teaching of the claimed structural elements of the claimed apparatus is sufficient to anticipate the claim.

Referring to claim 28, Ozaki teaches the content recording apparatus according to claim 27, as above, further comprising a link resolution information recorder [See Figs. 2-7] as claimed.

Claim 29 is rejected on the same basis as claim 27.

4. Claims 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,611,862 to Reisman.

Referring to claim 27, Reisman discloses a content recording apparatus for recording distributed content as claimed. See Figures 12-13 and the corresponding portions of Reisman's specification for this disclosure. Reisman teaches a content recording apparatus [See Fig. 12] for recording distributed content in packages of files

[See Figs. 12-13 & corresponding portions of specification] on a recording medium [See 124], said content recording apparatus comprising:

a package management information recorder [web package coder & dynamic link coder (See Column 45)]; and

a content file recorder [See 120-124] as claimed.

The remaining claim elements are considered functional descriptive material that does not limit the claimed apparatus. See MPEP § 2114. Apparatus claims reciting structural elements that are “operable to” perform some function are limited only by the claimed structural elements and not their supposed function. Thus, Reisman’s teaching of the claimed structural elements of the claimed apparatus is sufficient to anticipate the claim.

Referring to claim 28, Reisman teaches the content recording apparatus according to claim 27, as above, further comprising a link resolution information recorder [dynamic link coder] as claimed.

Claim 29 is rejected on the same basis as claim 27.

Allowable Subject Matter

5. Claims 20-26 and 30-41 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Neither Ozaki nor any of the prior art of record, taken alone or in combination, provides sufficient disclosure to teach or suggest the claimed “package management

file” for managing a correspondence between the package directory number and a package identifier assigned to the package, in combination with the claimed “content file group management file” for managing a correspondence between the content number and a reference name when the content is linked from other content, as recited in each of the independent claims.

Response to Arguments

6. Applicant's arguments with respect to claims 27-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goddard whose telephone number is 571-272-4020. The examiner can normally be reached on M-F, 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bdg
10 January 2005


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100